

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

LEAGUE OF CONSERVATION VOTERS <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	No. 3:17-cv-00101-SLG
)	
DONALD J. TRUMP <i>et al.</i> ,)	
)	
<i>Defendants,</i>)	
)	
AMERICAN PETROLEUM INSTITUTE and STATE)	
OF ALASKA,)	
)	
<i>Intervenor-Defendants.</i>)	
)	

DECLARATION OF NICOLE WHITTINGTON-EVANS

I, Nicole Whittington-Evans, hereby declare as follows:

1. I reside in Palmer, Alaska, and I am a member in good standing of The Wilderness Society.
2. I have a long-standing personal and professional interest in the Alaskan Arctic including but not limited to the Arctic National Wildlife Refuge, the National Petroleum Reserve-Alaska, and the Chukchi and Beaufort seas. I have visited the Arctic many times since 1991 and intend to return next week and in the coming years. Recent examples of trips that I have taken to the Arctic include: representing The Wilderness Society at an environmental justice conference held by the Inupiat Community of the Arctic Slope in Utqiagvik, Alaska in January, 2011; visiting and helping at a Wildlife Conservation Society bird field research camp on the Ikpikpuk River in the National Petroleum Reserve-Alaska (NPR-A) in June, 2011; spending a number of days at a cabin on Teshekpuk Lake and visiting Utqiagvik and Deadhorse with other organizational staff members in August, 2012; rafting the Marsh Fork of the Canning River in the Arctic National Wildlife Refuge in August, 2013 with members of The Wilderness Society's Governing Council and staff; and rafting on the Hulahula River in the Arctic National Wildlife Refuge in June, 2014 and June, 2015, to obtain video footage to promote the values of the Arctic Refuge on The Wilderness Society's web site and to bring Governing Council members and supporters to the Arctic Refuge. In 2015 and 2016, I visited Nuiqsut to meet with members of the Native Village of Nuiqsut and for Bureau of Land Management (BLM) Regional Mitigation Strategy meetings, and Army Corps of Engineers and other meetings. In 2015, from Nuiqsut I and another TWS colleague traveled to Utqiagvik, to attend meetings held by the BLM on the development of their Regional Mitigation Strategy, and by the NPR-A Working Group which was established in 2013 with the final Record of Decision for the NPR-A Integrated

Activity Plan. During this Regional Mitigation Strategy visit, I and other TWS staff in attendance were fortunate to be present when Utqiagvik whalers landed three whales, and we watched the community land, process and divide the whales on the Utqiagvik Spit. I have plans to return to the Arctic National Wildlife Refuge coastal plain on June 10, 2018.

3. I am The Wilderness Society's Alaska Regional Director. In that capacity, I am familiar with all aspects of The Wilderness Society's activities and organizational interests related to the Arctic, including the Chukchi and Beaufort seas, and Alaska in general. I have worked for The Wilderness Society for over twenty years and throughout my tenure with the organization I have followed and engaged in Arctic conservation issues. I work with our staff to analyze federal and, to a lesser extent, state actions affecting public lands in the Arctic and across the state, as well as with other organizations, to advance The Wilderness Society's goal of wildlife and habitat protection in the Arctic primarily through federal administrative actions, scientific research, public education, collaboration with residents, local governments, and tribes whenever possible, and the judicial process.

4. I am offering this declaration on behalf of The Wilderness Society. Founded in 1935, The Wilderness Society is a national non-profit membership organization with more than a million members and supporters nationwide, including members who live in Alaska. The Wilderness Society is devoted to the conservation of nationally and internationally significant fish and wildlife populations and their habitats in Alaska, including in the waters of the Arctic Ocean and on the surrounding public lands. Members of our staff have traveled to Arctic and sub-arctic communities and lands many times over the years for meetings and gatherings in villages with tribes, tribal members and/or federal agencies, such as Utqiagvik, Nuiqsut, Kaktovik, Arctic Village, Venetie, Fort Yukon, Beaver and Chalkyitsik, and to accompany

media, do research, explore and to film and photograph, among other activities. The mission of The Wilderness Society is to protect wilderness and inspire Americans to care for our wild places. The organization works to ensure that future generations will enjoy, as we do today, the undeveloped, diverse complex of globally significant and interdependent terrestrial and marine ecosystems of the Arctic. These ecosystems provide clean air and water, wildlife, quiet, and beauty, as well as opportunities for recreation, subsistence, research, and renewal that are important characteristics of pristine and intact ecosystems.

5. The Wilderness Society has had a longstanding interest in addressing the impacts of oil and gas development, both offshore and onshore. In the Arctic region, the Chukchi and Beaufort seas ecosystems are poorly understood and changing rapidly due to sea ice melt and on Arctic lands, wildlife habitat is altering rapidly due to climate change. The Wilderness Society engages in a number of collaborative efforts focused on the Arctic, including the North Slope Science Initiative and the Western Arctic Caribou Herd Working Group. The Wilderness Society provides advice and recommendations in these collaborative planning efforts regarding priority needs for management decisions across the North Slope of Alaska. The priority needs include recommendations on inventory, mitigation, monitoring and research activities that lead to informed land management decisions.

6. After the BP Gulf spill, The Wilderness Society's Arctic Program Director and Alaska-licensed engineer Lois Epstein served as a public representative on the fifteen-member Ocean Energy Safety Advisory Committee, a federal advisory committee organized after the BP Gulf spill to ensure improvements in offshore oil and gas operations. The Wilderness Society participated on several subcommittees including the Arctic subcommittee which produced a consensus recommendation to develop Arctic-specific offshore oil development regulations that

later were issued by the Department of the Interior during the Obama administration; these regulations potentially will undergo revisions during the Trump administration and The Wilderness Society's Arctic Program Director will weigh in on the revisions. The Wilderness Society's Arctic Program Director also served on a National Academy of Sciences committee during 2016-2017 on Designing Safety Regulations for High-Hazard Industries which utilized case studies from the pipeline and the offshore oil and gas sectors. To advocate for improvements in offshore and onshore oil and gas operations, The Wilderness Society's Arctic Program Director has delivered Arctic and technology-related presentations at conferences and hearings including to the Inupiat Community of the Arctic Slope Environmental Justice Conference in Utqiagvik in January, 2011, a U.S. Senate Energy and Natural Resources Committee in May, 2011, the Alaska Oil and Gas Conservation Commission in September, 2011, the U.S. military in Anchorage in April, 2012, a Greenpeace International conference primarily for indigenous Arctic residents participating in the Arctic Council ministerial meeting in Kiruna, Sweden in 2013, the University of Texas Energy Week conference in Austin in February 2015, and the multi-stakeholder Arctic Encounter conference in January, 2016. Most recently, The Wilderness Society's Arctic Program Director testified at a November, 2017 U.S. Senate Energy and Natural Resources Committee hearing regarding oil and gas development in the Arctic National Wildlife Refuge prior to passage of the 2017 tax act which included language allowing such development.

7. The Wilderness Society attends public meetings on offshore and onshore issues held in Arctic communities in order to understand local concerns and reflect those concerns as much as possible in our comments on oil and gas development projects in federal waters and lands.

8. The Wilderness Society has invested significant organizational resources in the planning, policy development, and decision-making processes related to offshore oil and gas planning, leasing, exploration, production and development activities in the Arctic Ocean. The Wilderness Society has written organizational, or assisted in the writing of multi-organizational, comments on the federal offshore five year lease sale program as it applies to the Arctic Ocean, individual Arctic Ocean lease sales, and exploration and production permitting for Chukchi and Beaufort sea projects including nearshore, island-based projects in the Beaufort. Additionally, The Wilderness Society has supported the work of other conservation organizations – including in traditional and social media – that have taken the lead in advocating that President Obama withdraw most of the Chukchi and Beaufort seas from future leasing. Most recently, The Wilderness Society joined other organizations in comments on the proposed 2019 Beaufort Sea lease sale. The Wilderness Society also recently provided comments on the draft proposed 2019-2024 Outer Continental Shelf Oil and Gas Leasing program, as well as scoping comments for the programmatic environmental impact statement. In the past, The Wilderness Society provided comments on the 2002-2007, 2007-2012, and 2012-2017, and 2017-2022 Outer Continental Shelf Oil and Gas Leasing Programs. Additionally The Wilderness Society wrote or joined others' comments on Shell's offshore activities in the Chukchi and Beaufort seas, on Hilcorp's activities in the nearshore Beaufort Sea, and on Eni's Nikaitchuq activities in the Beaufort Sea.

9. The Wilderness Society and its members advocate both in Congress and to the executive branch for policies and practices that protect the Chukchi and Beaufort seas' marine and coastal environments and their unique wildlife and subsistence/cultural resources. These resources include bowhead and beluga whales, polar bears, Pacific walrus, bearded and other seals, caribou, and birds including spectacled and Steller's eiders. Our members rely on the

Arctic Ocean, the adjacent coastal areas, and portions of the watershed including the National Petroleum Reserve-Alaska and the Arctic National Wildlife Refuge for recreational, educational, scientific, wildlife-viewing, economic, and other purposes. In addition, because the Chukchi and Beaufort seas are important breeding, feeding, and staging habitat for numerous migratory species, including whales and birds, any impacts to these species or their habitats in the Chukchi and Beaufort seas also threaten the interests of The Wilderness Society and its members elsewhere in these species' ranges.

10. The Wilderness Society invests significantly in public education efforts regarding the impacts of oil and gas activities directly on the Arctic through educational materials. The Wilderness Society has produced both textual and graphic information about Alaska's North Slope and the adjoining Arctic Ocean in various publications including in newsletters, action alerts, fact sheets, maps, the annual report, policy briefs, and on our website. In 2013 through May, 2018, we educated members of the public with alerts, blogs, social media, and in TV, newspaper, and radio interviews. Most of these educational efforts involved offshore and onshore oil and gas operations and planning decisions. During these years, we have urged the public to submit tens-of-thousands of comments pertaining to Arctic Ocean offshore oil and gas development plans. In September 2009, our organization released a revised version of the publication, "Broken Promises," which documents the impacts of oil and gas activities in America's Arctic and later added an insert with new spill data. The noise, pollution, water use and other effects associated with oil and gas activities on the North Slope have altered hundreds of square miles of habitat – an industrial complex visible from space – and may be harming ecosystems, species, and people already under stress from a changing climate.

11. The Arctic is changing rapidly because of a warming climate largely due to the world's burning of fossil fuels. The Wilderness Society is working actively to gain a better understanding of those changes and to bring public attention to them. We have forged strong working partnerships with climate change scientists at the University of Alaska Fairbanks Scenarios Network for Alaska Planning (UAF-SNAP) as well as with other North Slope scientists at the U.S. Fish and Wildlife Service (USFWS), the Bureau of Land Management, the Alaska Department of Fish and Game, the North Slope Borough and other entities in order to ensure our work is based on the latest and most accurate information available. To help address the effects of climate change, The Wilderness Society strives to educate the public, encourages research and monitoring, and supports appropriate policy changes including protecting and helping ensure resilient ecosystems. In June 2018, for example, The Wilderness Society submitted comments to the State of Alaska on the Draft Alaska Climate Change Policy and plan. Additionally, The Wilderness Society includes climate change-related calculations and comments in our submittals to federal agencies on lease sales.

12. Protecting America's Arctic, and particularly what is now the Arctic National Wildlife Refuge which abuts the Beaufort Sea, has been a priority and an integral part of the fabric of The Wilderness Society since our founders first joined in the effort to protect wilderness and establish our organization eighty-three years ago. Early organizational leaders, such as Bob Marshall and Olaus and Margaret Murie, spent time exploring, researching and documenting the extraordinary values of the Arctic, and it was their vision, among that of others, to protect what is now the Arctic National Wildlife Refuge. They advocated for this area to be established in order to preserve its wilderness character. First established as the Arctic National Wildlife Range in 1960 by the Eisenhower Administration (Public Land Order 2214), our

organization has continued to advocate for permanent protection for this area. In 1980, the Arctic Range was expanded and renamed the Arctic National Wildlife Refuge and Congress also designated wilderness in the Refuge with the passage of the Alaska National Interest Lands Conservation Act (ANILCA). In the over three decades since ANILCA was passed, The Wilderness Society has continued to work to designate the coastal plain of the Arctic National Wildlife Refuge as wilderness to protect it from oil and gas development. Our organization has been involved in administrative planning processes, policy development and decision-making processes regarding the Arctic Refuge through written comments, meetings with agency and administration officials, and educating our members and the public about opportunities to engage in these processes. We have also mounted campaigns and fought industry and congressional efforts to allow oil and gas development in the coastal plain throughout the decades and advocated to protect this piece of the refuge including its coastal lagoons and barrier islands, which as of 2005 are now part of a Beaufort sea marine protected area that is managed to protect its wild character. The Wilderness Society engaged in the USFWS' revision of its overall management plan – the Comprehensive Conservation Plan (CCP) – for the Arctic Refuge and submitted substantive, technical comments throughout the revision process, as well as contributed to and signed on to joint substantive comments regarding the Arctic Refuge CCP revision. Additionally, several of our Alaska staff testified at a September 2011 hearing in Anchorage on the draft revised CCP. Our staff has also participated in and organized many other meetings since early 2010 regarding the development of this revised plan, including many with the USFWS. Staff from our Alaska office have testified at scoping hearings regarding Arctic Refuge planning in Anchorage in 2010 and 2018, and our national organization President testified at a May 2010 scoping hearing in D.C. and will be testifying again at a scoping hearing

on June 15, 2018 in Washington DC. Over the years our organization has written many blogs and alerts to our members and supporters regarding Arctic issues which have resulted in tens-of-thousands of comments to the Administration regarding protecting the Arctic Refuge.

13. The noise from seismic activities, drilling and associated ship and helicopter traffic can impair members' ability to observe and enjoy marine mammals, birds, and other wildlife that pass through these areas, and would eliminate the natural quiet members seek in a non-developed area. Seismic activities, drilling and transportation-related noise could injure or otherwise harm bowhead, gray, humpback, and beluga whales, various seals, Pacific walrus, and polar bears, thereby harming members' interests in these species. An oil spill from a well blowout or other industry-related failure in this region could have devastating effects on wildlife populations and habitats. If spilled oil reached the coast, it would affect not just marine mammals, but numerous sensitive birds and other wildlife. Dispersant use to respond to a major spill could adversely impact marine organisms, as could the air pollution associated with in-situ burning of spilled oil. Water pollution associated with drilling activities could harm marine life including fish, and air pollution from motors and generators could affect air quality near the drilling operations.

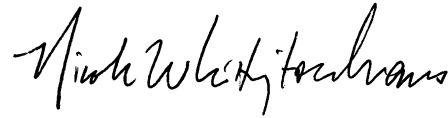
14. In sum, The Wilderness Society has a strong organizational interest in the Chukchi and Beaufort seas and their associated species, habitats, and ecosystems. In advocating for these interests, The Wilderness Society represents itself and its members who use and enjoy the Chukchi and Beaufort sea region for recreational, aesthetic, scientific, educational, and other purposes and intend to use and enjoy these areas in the future. Members rely on The Wilderness Society to represent their interests with regard to advocacy on behalf of these areas and the species and other values they possess. Exploration and/or production activities in the currently

withdrawn portions of the Chukchi and Beaufort seas would adversely affect the interests of The Wilderness Society and its members.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Dated: June 6, 2018

By:

A handwritten signature in black ink, appearing to read "Nicole Whittington-Evans", written in a cursive style.

Nicole Whittington-Evans